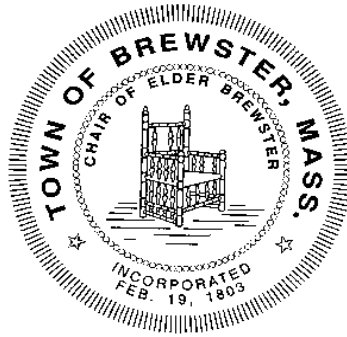


# ***Town of Brewster***



## ***SPECIAL TOWN MEETING***

### ***WARRANT***

*for*

**NOVEMBER 14, 2022**

**at**

**6:00 PM**

**STONY BROOK ELEMENTARY SCHOOL**

**384 UNDERPASS ROAD**

Please bring this copy of the warrant to Town Meeting  
Large print copies of the warrant are available at the Brewster Town Offices



**TOWN OF BREWSTER  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 14, 2022**

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## **Stony Brook Road Connections**

The Old Kings Highway, historically known as Kings Highway and County Road, was the region's major east/west corridor. In Brewster, the original Old King's Highway route followed Stony Brook Road, avoiding wetlands and marshes associated with Quivett Creek and Stony Brook. By the mid-19<sup>th</sup> century, bridges and causeways were built across the tidal and wetland area allowing the transition of Old Kings Highway to its current route.

The property now known as 717 Stony Brook Road was part of the homestead of Eben F. Ryder. Although Eben Ryder settled in Brewster, Ryder is a family name best known in Chatham. There was a house on the property in the mid-1800s. Adelbert Barnes, who lived at 786 Stony Brook, remembers that he "stopped by the Ryder house for milk during the first year of the (civil) war" (1861) and would sing patriotic songs.

That house was moved to Harwich circa 1910 and became the Pleasant Bay Club. A decade or so later, it was converted to the Wequassett Resort which opened in 1925. It is one of two historic houses remaining on the resort's property. The "square top" Eben Ryder House serves as the center piece of the complex and is the location of Twenty-eight Atlantic restaurant and Thoreau's tavern.

The property at 717 Stony Brook Road was conveyed to Tom Bouchard by the heirs of Eben Ryder in 1936. Although there were no dwellings listed, a barn dating from the mid-1800s may have been moved to the property from across the street at 770 Stony Brook where there is a foundation of a previous structure. Bouchard renovated the "run down" barn and made it his home. In 1950, he moved another barn from an unknown site and added it to the original structure, which wasn't unusual at the time. Today, there is also a cottage and another building that may have been Bouchard's studio on the property.

Tom Bouchard (1895-1984) was born in Jerusalem and became an American citizen in 1942. He started work as a sports photographer but is best known as a photographer of dancers and artists and the first official photographer for the Bennington Summer School of Dance (1934 – 1942) during its early years. His photographs have been exhibited in galleries and New York City museums. According to his New York Times obituary, "his well-known photographic studies of Martha Graham, Doris Humphrey, Charles Weidman and Hanya Holm were credited with creating a wider audience for modern dance". He also photographed such artists as Joan Miro, Marcel Duchamp, and Chaim Soutine, and he made a film about Fernand Leger and film sequences of his friend Edgard Varese. He was fascinated by the photographic translation of dance motion and his film work was not simply straight documentation but involved expressionistic cinematography and edits, as well as effects like double-exposure and slow motion.

Marc Strauss, Professor Emeritus in the Conservatory of Theater and Dance at Southeast Missouri State University and a Wellfleet resident, adds that as a freelance sports and dance photographer, Bouchard often tried to "catch the action" and the "transitional moments" between movement pauses in his artworks, a nearly impossible but intriguing notion. According to John Martin (1893 – 1985), America's first major dance critic, Bouchard's work "is perhaps as fine a

synthesis as has yet been achieved of two mediums as inherently antagonistic as photography and dancing” (1936). All too true!

Bouchard kept a studio on West 40<sup>th</sup> Street in Manhattan and later at the Chelsea Hotel. From 1974 until his death, Tom Bouchard lived full-time at his Brewster home. After his death, his daughter, Diane, worked to organize and preserve her father’s large body of work, much of which is now in the collections of the Houghton Library at Harvard University.

The mid-20<sup>th</sup> century was a time when a vibrant artistic community flourished in West Brewster, with Stony Brook Road serves as the center of that activity. Conrad and Mary Aiken entertained fellow writers and artists at their summer art school called 41 Doors and Tom Bouchard and his daughter often produced Shakespearean plays for neighbors and friends in the garden of their property at 717 Stony Brook Road.

*Patricia Hess is a member of the Brewster Historical Commission. Information about Brewster’s Historical Houses can be found in the reference section of the Brewster Ladies Library.*

*Many thanks to Eric Dray for the research on the properties on Stony Brook Road and to Marc Strauss for his reflections on Tom Bouchard.*

## INFORMATION FOR NOVEMBER 14, 2022

### SPECIAL TOWN MEETING

#### **Services Available to the Public During Town Meeting**

##### **TRANSPORTATION:**

The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride to and/or from Town Meeting please call the Council on Aging at 508-896-2737 by noon on Wednesday, November 9<sup>th</sup>. Rides are available during the entirety of Town Meeting.

##### **TRANSCRIPTION SERVICES:**

A real-time transcription of Town Meeting is available for the hearing impaired. Look for the screen to the right of stage.

##### **CHILD CARE SERVICES:**

Nauset Youth Alliance provides free childcare services for children ages 5 – 14, from 5:30 pm – 8:30 pm, in the Stony Brook School Art Room during Town Meeting. If you would like to take advantage of this service, please call or email the NYA before 4:00 pm on Friday, November 11<sup>th</sup>; 508-896-7900 or [drost@nausetyouthalliance.org](mailto:drost@nausetyouthalliance.org)

##### **FOOD & BEVERAGES:**

Nauset Youth Alliance also provides food and beverages for purchase from 5:30 pm – 8:00 pm during Town Meeting. Items include sandwiches, chips, desserts, water, coffee, tea and juice. These refreshments are generously provided by Ocean Edge Resort.

## **Town Moderator Information for Brewster Voters**

Brewster Voters:

To prepare residents in advance, we are providing information here that will be helpful to everyone who plans to attend. In the interest of expediting introductory remarks, we appreciate your attention to the following procedures for the November 2022 Town Meeting:

1. **Attendance:** Please do not attend Town Meeting if you have recently tested positive for COVID, have any COVID symptoms, or have recently been in contact with a person diagnosed with COVID.
2. **Check-in:** Will start at 5pm in the lobby outside the cafetorium. If you have a mobility issue, please move to the beginning of the check-in line.
3. **Town Warrants:** Copies of the Town Warrant will be available; voters are invited to bring their own copy.
4. **Town Officials Participating in Town Meeting**
  - Select Board: Chair David Whitney, Ned Chatelain, Kari Hoffmann, Mary Chaffee, and Cynthia Bingham
  - Town Administrator: Peter Lombardi
  - Assistant Town Administrator: Donna Kalinick
  - Town Clerk: Colette Williams
  - Finance Committee: Chair Pete Dahl, Frank Bridges, William Meehan, Honey Pivrotto, Robert Young, Alex Hopper, Robert Tobias, Andrew Evans and William Henchy
  - Finance Director: Mimi Bernardo
  - Town Counsel: Gregg J. Corbo of KP Law
  - Constable: Roland Bassett, Jr.
5. **Meeting Rules of Order**
  - Brewster uses “Town Meeting Time: A Handbook of Parliamentary Law” as well as local practice and tradition.
  - Please be respectful and courteous to others. All questions or comments should be directed only to the Moderator.
6. **Time Clock:** Under our bylaw, presenters may speak for up to 5 minutes, and residents may speak for or against an article for up to 3 minutes.
7. **Voting**
  - All voting will be done by a show of hands using voter tickets. The Moderator will evaluate the show of hands and announce the result.

- Voters may challenge the Moderator’s result; if more than 7 request a count, one will be done.

## 8. **Microphones**

- Stationary microphones will be set up at the front of each aisle in the voter seating area. Please state your name and address when you speak.

## 9. **Motions**

- Amendments:
  - If a minor amendment is proposed, the Moderator may accept it verbally.
  - If a longer amendment is offered, provide it in writing to the Town Clerk or her staff.
- If you are unclear at any time about an action, raise your voter ticket to be recognized and state, “Point of order.”

## 10. **Services**

- If you need handicapped parking, special seating, or any other type of assistance, please contact the Town Administrator’s office (508-896-3701 ext. 1100) before Town Meeting. Handicapped parking will be available in the front of the school in the bus drop-off area.
- Space will be available for voters using wheelchairs. Those with impaired mobility can access the check-in line via the main entrance at the front of the building.
- A real-time transcription of Town Meeting will be available for the hearing impaired on the screen to the right of stage.
- Nauset Youth Alliance provides free childcare services for children ages 5 – 14, from 5:30 pm – 8:30 pm, in the Art Room during Town Meeting. If you would like to take advantage of this service, please call or email the NYA before 4:00 pm on Friday, November 11th; 508-896-7900 or [drost@nausetyouthalliance.org](mailto:drost@nausetyouthalliance.org)
- Nauset Youth Alliance also provides food and beverages for purchase from 5:30 pm – 8:00 pm during Town Meeting.
- The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride to and/or from Town Meeting please call the Council on Aging at 508-896-2737 by noon on Wednesday, November 9th. Rides are available during the entirety of Town Meeting.

11. **Handouts/Flyers:** A designated area will be available for distribution of materials to voters.

12. **Thank you.** I appreciate your commitment to conducting the Town’s business and participating in our local democracy in a respectful manner.

Charles Sumner, Town Moderator



## TOWN OF BREWSTER SPECIAL TOWN MEETING NOVEMBER 14, 2022

Barnstable, ss

To: Roland W. Bassett, Jr. Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School, 384 Underpass Road, on **Monday, November 14, 2022**, next, at 6:00 o'clock in the evening, then and there to act upon the following articles:

### **OUTSTANDING OBLIGATIONS**

**ARTICLE NO. 1:** To see what sums the Town will vote to appropriate from available funds for the payment of unpaid obligations from previous fiscal years, including any bills now on overdraft:

	<i>Department</i>	<i>Outstanding Obligations</i>	<i>Amount</i>
a.	Brewster Elementary Schools	Wages	\$1,777.00
b.	Utilities	Eversource	\$144.92
c.	Employee Benefits	Department of Unemployment Assistance	\$2,545.00
d.	Building Department	WB Mason	\$127.99
	<b>Total</b>		<b>\$4,594.91</b>

Or to take any other action relative thereto.

(Select Board)

(Nine-tenths Vote Required)

### **COMMENT**

This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

**Select Board: Yes 4, No 0, Abs 0**

**Finance Committee: Yes 9, No 0, Abs 0**

## **CAPITAL AND SPECIAL PROJECTS EXPENDITURES**

**ARTICLE NO. 2:** To see what sums the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow under and pursuant to Massachusetts General Laws Chapter 44, Sections 7, 7(1), or 8, or any other enabling authority, for the capital outlay expenditures listed below, including, in each case, all incidental and related costs, to be expended by the Town Administrator with the approval of the Select Board, except School expenditures to be made by the School Superintendent with the approval of the School Committee; authorize leases and lease purchase agreements for more than three but not more than five years for those items to be leased or lease purchased, and further that the Town Administrator with the approval of the Select Board or School Superintendent with the approval of the School Committee for school items, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
<b>1. Select Board</b>				
	a. DBP Master Plan Update - Phase 1 Construction	Professional services and construction costs of park improvements	Free Cash	\$255,000
	b. Sea Camps Comprehensive Planning	Professional services associated with developing a comprehensive plan regarding future uses of the former Sea Camps properties	Free Cash	\$175,000
	c. Updated Ponds Water Quality Report (IWRMP)	Professional services associated with creating a pond water quality database and reviewing data to identify future needs	Water Quality Stabilization	\$50,000
	d. Sea Camps Interim Uses	Costs for events, programming, and increasing public access/awareness	Free Cash	\$50,000
	e. Integrated Water Resource Planning/ Implementation	Professional services associated with technical assistance regarding water quality planning and initiatives	Free Cash	\$35,000
<b>Sub-Total</b>				<b>\$565,000</b>

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
<b>2. Department of Public Works</b>				
	a. Sea Camps Pool Parking Lot	Professional services for engineering, permitting, and construction of new parking area, including but not limited to paving, installation of stormwater infrastructure, and landscaping	Free Cash	\$250,000
	b. Drainage/Road Maintenance	Professional services for engineering, permitting, and construction associated with road maintenance and drainage	Free Cash	\$225,000
	c. Loader/Backhoe	Purchase and outfit (1) backhoe/loader, including but not limited to plow package, emergency lighting, and radio	Free Cash	\$200,000
	d. Pick-up Truck	Purchase and outfit (1) 4x4 pick-up truck, including but not limited to plow package, emergency lighting, and radio	Free Cash	\$60,000
<b>Sub-Total</b>				<b>\$735,000</b>
<b>3. Police Department</b>				
	a. Vehicle Replacement	Purchase and outfit (2) police vehicles	Free Cash	\$115,000
	b. Security Pen/Fencing	Purchase and install fencing and traffic direction signage/devices at the police facility	Free Cash	\$50,000
	c. Live Scan Data Sharing	Purchase and install an electronic fingerprint and booking photograph system	Free Cash	\$42,500
<b>Sub-Total</b>				<b>\$270,500</b>

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
4. Fire Department				
	a. Department Staffing and Organization Study	Professional services associated with staffing and organizational analysis to determine current and future departmental needs	Free Cash/ Ambulance Fund	\$35,000
	b. Assistance to Firefighter Grant Program Expenses	Costs associated with providing the Town’s required 5% local match to accept and expend grant funding	Ambulance Fund	\$20,000
	Sub-Total			\$55,000
5. Natural Resources				
	a. Stony Brook Mill Retaining Wall & Fishway Improvements Permitting	Professional services associated with design, permitting and any other related costs	Free Cash	\$40,000
	b. Walkers Pond Water Quality Improvements	Professional services associated with design, permitting, and any other related costs	Water Quality Stabilization	\$32,000
	Sub-Total			\$72,000
6. Facilities				
	a. Town Hall Window Replacement	Purchase and install replacement windows and any other related costs	Free Cash	\$150,000
	b. Crosby Mansion Function Elevator Upgrades	Costs associated with upgrades to meet new state safety requirements	Free Cash	\$10,000
	c. Crosby Mansion Function Room HVAC	Purchase and install mini-split units in mansion function room and any other related costs	Free Cash	\$25,000
	d. Sea Camps Landscaping Equipment	Purchase mowers and landscaping equipment	Free Cash	\$17,500
	Sub-Total			\$202,500

<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
<b>7. Recreation</b>			
a. Freemans Fields Irrigation Repair & Maintenance	Costs associated with maintaining and repairing irrigation systems at Freemans Fields	Free Cash	\$20,000
<b>Sub-Total</b>			<b>\$20,000</b>
<b>8. Library</b>			
a. Library Elevator Replacement	Purchase and install a new elevator including any other related costs	Free Cash	\$300,000
<b>Sub-Total</b>			<b>\$300,000</b>
<b>9. Information Technology</b>			
a. Technology Upgrades/Replacement	Ongoing information system & equipment improvements, including but not limited to the purchase of computers, software, servers, and other hardware/ software throughout the Town, including new cloud-based assessing software	Overlay / Free Cash	\$35,000
<b>Sub-Total</b>			<b>\$35,000</b>
<b>10. Assessors</b>			
a. Valuation Services	Professional services for new growth and cyclical inspections as required by the Department of Revenue	Overlay	\$80,000
<b>Sub-Total</b>			<b>\$80,000</b>
<b>11. Water Department</b>			
a. Tanks Exterior Painting Engineering	Professional services including engineering, oversight, and construction for interior and exterior repairs on Tanks 1 & 2	Water Retained Earnings	\$110,000

<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
b. Land Acquisition for Water Protection	Funding to assist with acquisition costs of former Sea Camps Long Pond parcel	Water Retained Earnings	\$35,000
<b>Sub-Total</b>			<b>\$145,000</b>
<b>12. Golf Department</b>			
a. Maintenance Equipment Replacement	Purchase (3) three spray rigs and any golf maintenance equipment	Golf Reserves	\$380,000
b. Cart Path Improvements	Costs associated with paving and repairing cart paths	Golf Reserves	\$120,000
c. Additional HVAC/Boiler Upgrades	Additional funding for the replacement of the HVAC/Boiler system and any other related costs	Golf Reserves	\$75,000
d. Irrigation Replacement Design	Professional services associated with the design of a new 36-hole irrigation system	Golf Reserves	\$75,000
e. Clubhouse Surroundings & Theme Enhancements	Purchase and install materials and supplies to upgrade area around clubhouse	Golf Reserves	\$30,000
f. Sink Hole Repairs	Purchase of materials to fill and repair sink holes throughout the property	Golf Reserves	\$20,000
g. Kitchen Equipment Replacement	Purchase and install replacement kitchen equipment and any other related costs	Golf Reserves	\$15,000
h. Replace Forward Tees	Purchase and install materials to create new forward tees	Golf Reserves	\$15,000
<b>Sub-Total</b>			<b>\$730,000</b>
<b>Grant Total</b>			<b>\$3,147,000</b>

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required, except 2/3 Vote  
for Stabilization Fund Appropriations)

COMMENT

The Town certified \$4,641,154 in Fiscal Year 22 Free Cash, which is now available for appropriation. If all capital and special project requests included in this article are approved by Town Meeting, a balance of \$2,586,154 in Free Cash will remain. These requests are consistent with the Town's 5-Year Capital Improvement Plan and with the Select Board's Strategic Plan. To ensure healthy financial reserves, the Town aims to maintain a year-end Free Cash balance of at least \$1M. While we anticipate additional capital requests at Annual Town Meeting in May 2023, we expect that our Free Cash balance will remain consistent with the Select Board's financial reserves policy even after accounting for those supplemental appropriations.

1. Select Board

1a. DBP Master Plan Update - Phase 1 Construction – These funds will be used to complete construction activities associated with the Drummer Boy Park Master Plan Update approved by Town Meeting in November 2021, including parking, walkway, and stormwater improvements. A majority of this project is planned to be funded with the Town's allocation of American Rescue Plan Act funds from Barnstable County. Phase 2 improvements, to be completed in a few years, will include upgrades to the bandstand and playground and replacement of the existing storage building with a new pavilion.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

1b. Sea Camps Comprehensive Planning – These funds will be used to assist the Town in the comprehensive planning process for the former Cape Cod Sea Camps Bay and Pond Parcels. The Town will use the professional services of an interdisciplinary team to assist with the comprehensive planning. These plans will identify recommended future uses of both Sea Camp properties as well as estimated capital & operating costs, project phasing, financing, and partnerships. A key part of this planning will be community outreach and resident input. The comprehensive plans will be brought to a future Town Meeting for adoption. The Town has applied for \$125,000 in grant funding to help cover these costs and any grant award will decrease the amount of Town funding need to help complete this work.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

1c. Updated Ponds Water Quality Report (IWRMP) – The Town last prepared a comprehensive review of pond water quality data on the 27 ponds sampled annually in 2009. This article would engage a water quality professional to organize and synthesize the water quality data collected since then from Brewster ponds through the Pond and Lake Stewards (PALS) bi-annual sampling efforts. This update will include creating a water quality database of PALS water quality data

and review of this data to identify trends for key factors for each pond. The results will help inform future Town water quality planning and initiatives.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

1d. Sea Camps Interim Uses & Site Improvements – As the Town works through developing long-range comprehensive plans for both former Sea Camps properties, the Bay and Pond Property Planning Committees continue to work with Town Administration and the Select Board to identify opportunities for interim uses of the properties. These funds will help support these efforts to host events and programming and increase public awareness and access to both properties during this transition period.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

1e. Integrated Water Resource Planning/Implementation – These funds will supplement a similar appropriation approved at the May 2022 Annual Town Meeting. In addition to implementation of the Pleasant Bay Watershed permit and support for other water quality improvement projects related to coastal waters and freshwater ponds, the funds will be used to provide resident education about the new stormwater bylaw, to provide support and technical assistance to the Water Resources Task Force, and to work with MA DEP on new regulations and SRF eligible projects, including but not limited to I/A septic systems.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 2. Department of Public Works

2a. Engineer/Design & Construction of Sea Camps Parking – These funds will be used for engineering design, permitting, and construction of a parking lot to accommodate visitors to the pool at the former Cape Cod Sea Camps Bay Parcel. This new parking lot is expected to be located where the existing (2) tennis courts and basketball court are, adjacent to the pool and Arts Center. The project will include installation of stormwater infrastructure and landscaping.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

2b. Drainage/Road Maintenance – These funds will be used for professional services, including but not limited to engineering, permitting, and construction costs, and in-house construction costs associated with road maintenance and drainage on various public roadways in Town.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

2c. Machinery & Equipment – These funds will be used to purchase and equip one Loader/Backhoe (current model is 2006), including but not limited to plow package, emergency lighting and radio.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**



2d. Pick-up Truck – These funds will be used to purchase and equip one 4x4 pick-up truck, including but not limited to plow package, emergency lighting and radio.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 6, No 0, Abs 0**

### 3. Police Department

3a. Vehicle Replacement – These funds will be used to purchase, outfit, and equip police cruisers. The Police Department relies on these cruisers for patrol and emergency response. Included in the cost, is outfitting the vehicle with emergency lights/siren, and equipping the vehicle with the tools necessary for responding to a variety of emergencies. The purchased vehicles will be replacing outgoing vehicles, which will either be repurposed for other Town use, or sold via auction.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 6, No 0, Abs 0**

3b. Security Pen/Fencing – These funds will be used to purchase and install fencing and traffic direction signage/devices for the rear of the police facility. With the department driveway being shared with people accessing the cemetery, Cape Cod Rail Trail, and Brewster Dog Park, there is a lot of traffic through the area on a daily basis. Currently, there is temporary signage to delineate public access from employee-only access. Fencing, signage, etc. will provide better security for the rear of the building to include Police Department vehicles. These funds will also be used to build a secure pen for the housing of a seized vehicle or other oversized items that cannot be stored in the building.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 6, No 0, Abs 0**

3c. Live Scan Data Sharing – These funds will be used to replace the existing fingerprint and booking photograph systems. This new electronic unit will allow the current records management system to share data directly with the fingerprint system, assuring accuracy of reporting data to the Criminal Justice Information System, as required by state and federal law. This system is also used for non-criminal fingerprinting for things such as firearms licensing, Town issued permits, professional licensing, etc.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 6, No 0, Abs 0**

### 4. Fire

4a. Department Staffing and Organization Study – These funds will be used to conduct a staffing and organizational study to determine current and future staffing needs, organization and delivery of fire suppression, emergency medical, and fire prevention services, identify strengths and weaknesses, and present potential recommendations, options, strategies, and associated costs for viable improvements in these core services.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 6, No 0, Abs 0**

4b. Assistance to Firefighter Grant Program Expenses – These funds will be to meet our 5% local match requirements for any grant funds the Town receives through this program. Due to several recent successful AFG grant awards, available funds from previous similar articles designed to cover the Town’s 5% cost sharing match have been reduced to a level that will no longer support future AFG awards.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 5. Natural Resources

5a. Stony Brook Mill Retaining Wall & Fish Way Improvements – This funding will be used to secure permitting approvals to repair the historic retaining wall supporting the headrace pond for the mill and upgrade the fish weirs north of the street to provide safe passage for migratory herring. Grants have been secured for 100% of the project design and 75% of the estimated construction costs. A Community Preservation Act grant has been secured for a portion of the required match, and the remainder of the match will likely be presented at Spring 2023 Town Meeting, with a goal of construction beginning in Fall 2023.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

5c. Walkers Pond Water Quality Improvements – These funds will be used to undertake the required permitting for Walkers Pond water quality improvements. The School of Marine Science and Technology (SMAST) at UMASS Dartmouth has prepared a technical report documenting the causes of declining water quality in Walkers Pond. They compared various options for remediation and recommend an alum treatment followed by use of the Town's aquatic weed harvester in following years to help reduce the nutrient content in the sediments at the pond. The alum treatment would be funded through a Spring 2023 Town Meeting article.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 6. Facilities

6a. Town Hall Window Replacement – This funding will be used to undertake the next phase of the window replacement at Town Hall, aimed to greatly reduce energy loss. These windows are roughly 25 years old and have broken seals and obsolete replacement parts.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

6b. Town Hall and Library Elevator Upgrades – This funding will be used for a software and panel upgrades for both the Town Hall and Brewster Ladies Library public elevators, identified during a recent State Elevator Inspection. These repairs must be made before the end of the calendar year to maintain compliance.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

6c. Crosby Mansion Function Room HVAC – This funding will be used to install new mini-split HVAC units in the mansion’s function room. The Town has a long-term lease agreement with the MA Department of Conservation and Recreation for the entire Crosby property, including the mansion, and has made significant investments in this iconic historic building over the past several decades. The Town leases space in the function room for events to help pay for property maintenance and improvements. These units will help make the room more comfortable for events in the hot summer months.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

6d. Sea Camps Landscaping Equipment – This funding will be used to purchase mowing and landscaping equipment to help maintain the former Sea Camps Bay property. The former owners auctioned off all material and equipment prior to the Town’s acquisition of the property last year. While the Town was able to repurpose old mowing equipment this first summer, the Department of Public Works is responsible for mowing over 40 other Town properties and this new equipment is needed on site for the extensive mowing needed at this location.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

## 7. Recreation

7a. Freemans Fields Irrigation Repair & Maintenance – This funding will be used to repair and maintain the irrigation systems for Freemans Recreational Fields, which were installed by volunteers over 20 years ago, while the Town develops a long-term replacement plan.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

## 8. Library

8a. Library Elevator Replacement – These funds will be used to install a new elevator at the Ladies Library. This equipment has exceeded its useful life and requires frequent repairs, limiting resident access to the facility. Town Meeting previously appropriated funds for project design.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 9. Information Technology

9a. Technology Upgrades/Replacement – These funds will be used to purchase upgraded desktop computers, servers, productivity and office software, backup systems, and other hardware and software for Town departments. Computers and servers are replaced on a 3-5 year rotating schedule, and older machines are issued to users with less intensive computer needs. \$10,000 of these funds will provide for the one-time cost of upgrading our assessing software to the cloud.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 10. Assessors

10a. Valuation Services – These funds will be used to cover contractual obligations to a private firm for property valuation services required to annually set assessed value, collect new growth, and perform property inspections. The funding comes from the Overlay Reserve Account, which in turn is funded from a transfer from the balance in the Overlay Accounts of funds that are no longer needed to cover abatements and exemptions.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 11. Water Department

11a. Tanks Exterior Painting – These funds will be used for the engineering, procurement, and construction administration services associated with painting two water storage tanks. The engineering consists of three phases: design, bid, and construction. This project is intended to extend the life of the existing coating at far less cost than a full coat rehabilitation. The intended coating system is a rust inhibitive acrylic overcoat that will provide additional protection of the steel structure. Construction funds will be requested at the 2023 Annual Town Meeting.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

11b. Land Acquisition for Water Protection – These funds will help cover a portion of the acquisition costs of the former Sea Camps property on Long Pond parcel (500 W.H. Besse Cartway) for several potential public purposes, consistent with Water Commission financial commitments when the Town purchased the property in 2021.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

## 12. Golf Department

12a. Maintenance Equipment Replacement – This funding will be used to replace three spray rigs, which apply chemicals to the turf. The current sprayers are beyond their useful life and are beginning to malfunction. The new sprayers will have a GPS system to allow for more precise dispersion.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12b. Cart Path Improvements – These funds will be used to repave and repair the cart paths at Captains Golf Course. Many cart paths at the golf course are currently in disrepair and detract from the overall golfing experience for customers.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12c. Additional HVAC/Boiler Upgrades – This funding will be added to the already approved funds for the replacement of the HVAC system in the restaurant/clubhouse area of the property. This additional funding will cover the full cost of the project.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12d. Irrigation Replacement Design – These funds will be used to hire an irrigation firm to design a new 36-hole irrigation system for Captains Golf Course. Currently, two irrigation systems exist at the golf course that are 23 and 17 years old. The replacement of the entire irrigation system would create a more energy efficient system and would reduce the amount of water needed to properly maintain the golf courses.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12e. Clubhouse Surroundings & Theme Enhancements – These funds will be used to make improvements to the areas of the golf course nearest to the clubhouse. These areas have become worn and unsightly, and do not project a good image of Captains Golf Course. These areas include the bag drop, the starters shed, fencing, signage, and landscaping. Many of these will need replacing, or, in the case of the starters shed, have major repairs performed.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12f. Sink Hole Repairs – These funds will be used to repair sink holes on the golf course that have formed over a number of years. These repairs will result in safer conditions and a more enjoyable playing experience.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12g. Kitchen Equipment Replacement – These funds will be used to replace kitchen equipment that is at the end of its useful life. The kitchen equipment is owned by the Town, and, in order to maintain a fully functioning restaurant at the golf course, it is necessary to replace this equipment.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

12h. Replace Forward Tees – These funds will be used to create new forward tees on the golf course, as recommended by the National Golf Foundation, and to provide an additional option for players.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

### **COMMUNITY PRESERVATION ACT FUNDING**

**ARTICLE NO. 3:** To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fund Balances Reserved for future expenditure, the amounts shown below, for the purpose of future expenditures, operating and administration expenses, and reserve funds related to Community Preservation, Historic Preservation, Open Space, Community Housing and/or Recreation; and to authorize the Town Administrator to enter into contracts for operating and administration related to Community Preservation, Historic Preservation, Community Housing and Open Space and/or Recreation, all as follows:

	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
1				
	a. Brewster Historical Society	Relocation and restoration of Brewster Schoolhouse #3 including costs associated with permitting, engineering, historical consultation, furnishings, equipment, connection of utilities and services, and all costs incidental or related thereto.	Transfer \$357,200 from Historic Preservation Fund balance	\$357,200
<b>Sub-total</b>				<b>\$357,200</b>
<b>Grand Total</b>				<b>\$357,200</b>

For Fiscal Year 2023 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of MGL Ch. 184 and MGL Ch. 44B Sec. 12, and to authorize the Select Board to convey or accept such restrictions;

And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 50% Open Space, 10% Housing, 10% Historical and 30% for Budgeted Reserve for CPA.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

### COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act. The act appropriates a 3% surcharge on the Town's real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2023, which is projected at 25%. Brewster established, through a local bylaw, a distribution schedule for the CPA funds according to the following: 50% of the funds for open space, 10% for community housing, 10% for historic preservation, and 30% balance is available for housing, historic preservation and/or active or passive recreation projects.

#### 1. Historic Preservation:

**a. Brewster Historical Society – Relocation and Restoration of Schoolhouse #3:** The Brewster Historical Society proposes to flake Schoolhouse #3 at 2342 Main Street and move it to Windmill Village at Drummer Boy Park. The structure is the last remaining of the Town's (5)-19<sup>th</sup> Century schoolhouses. It will be re-assembled and restored as a schoolhouse and will also include a cranberry history display, as this was also part of its history. The funding request includes an additional \$10,000 set aside to pay for CPC expenses for historical consulting services related to the project.

Total Project Cost: \$347,200

CPC Request: \$357,200

CPC Vote: 8-0-0

Select Board: Yes 5, No 0, Abs 0

Finance Committee:

Yes 7, No 0, Abs 0

### CONSERVATION RESTRICTION ACQUISITION: 0 HOLLY AVE (REAR)

**ARTICLE NO. 4:** To see if the Town will vote to authorize the Select Board to acquire a perpetual conservation restriction under MGL Ch. 184, Secs. 31 through 33, on a parcel of land designated on Brewster Assessors' Map 137 as Parcel 1, located at 0 Holly Ave (Rear), in Brewster, Barnstable County, Massachusetts, consisting of 4.925 acres as shown on a plan of land entitled "Plan of Land in Brewster (East), Mass. as claimed by Richard O. Staff, Scale 1 in = 50 ft. October 1967, Schofield Brothers Registered Civil Engineers & Land Surveyors, Orleans & Framingham, Mass." and recorded in the Barnstable County Registry of Deeds as Plan Book 219, Page 79, a copy of which is on file with the Brewster Town Clerk; to acquire interests in said parcel by gift, purchase and/or eminent domain taking under MGL Ch. 79, or any other enabling authority; to acquire said conservation restriction for conservation and passive recreation purposes for the general public, consistent with the provisions of MGL Ch. 40 Sec. 8C and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and in compliance with MGL Ch. 44B, Sec. 12(a), protecting the property for the purposes for which it is acquired; to transfer from available funds, including, without limitation, the Community Preservation Fund, the sum of **Two Hundred Sixty-four Thousand and 00/100 Dollars (\$264,000.00)** to pay costs of this acquisition, and all other costs incidental and related thereto; further, to authorize the Select Board and/or the Conservation Commission to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to,

grants and/or reimbursement from the Commonwealth under the Self-Help Act, MGL Ch. 132A Sec. 11 (now, so-called LAND grants), and the Federal Land and Water Fund grants, which grants and/or funds so received shall be used to repay all or a portion of the sum transferred from the Community Preservation Fund hereunder; to authorize the Conservation Commission to assume the monitoring and enforcement authority of the conservation restriction on the property; and to authorize the Select Board and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

#### COMMENT

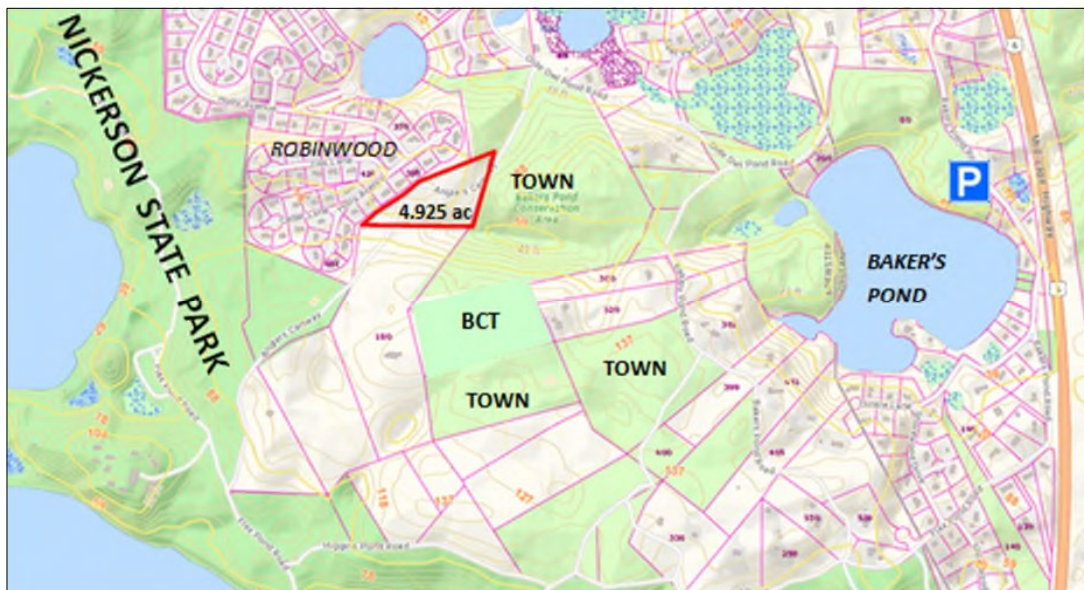
This article would enable the Town to continue its partnership with Brewster Conservation Trust (BCT), working together to preserve critical open space; in this case, 4.925 acres abutting the Town's Baker's Pond Conservation Area. This acquisition would preserve a walking trail that connects existing Town trails with Nickerson State Park.

The Towns of Brewster and Orleans, along with the Brewster Conservation Trust, own 140 acres of conservation land east and south of this proposed land acquisition. These entities jointly manage the two-mile public walking loop trail there, with parking on Baker's Pond Road. BCT will purchase the land for \$360,000. This article seeks to appropriate \$250,000 in CPA funds to place a conservation restriction on the property, which will be held by the Town. To offset these expenses, the Town has applied for a State LAND grant that would reimburse the Town for up to \$130,000. Sketch map of locus attached hereto - Tax Map 137, Parcel 1, 4.925 acres.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 7, No 0, Abs 0**





## **TOWN CODE AMENDMENT TO COMMUNITY PRESERVATION ACT BYLAW**

**ARTICLE NO. 5:** To see if the Town will vote to amend the General Bylaws, Section 17, as shown below, with additions shown in **bold** and deletions shown in ~~strikethrough~~, with such revision to take effect on July 1, 2023:

Section 17-1. Membership of the Committee – There is hereby established a Community Preservation Committee, consisting of nine (9) voting members. pursuant to the provisions of Section 298 of Chapter 149 of the Acts of 2004, as amended by Sections 129-133 of Chapter 352 of the Acts of 2004. The composition of the Committee, the appointing authority and the term of office for the committee members shall be as follows; one member of the Conservation Commission, as designated by said Commission; one member of the Historical Commission, as designated by said Commission; one member of the Planning Board, designated by the said Board; one member of the Recreation Commission, as designated by the Commission; one member of the Brewster Housing Authority, as designated by said Authority; and four individuals to be appointed by the **Select** Board ~~of Selectmen~~. Each member of the Committee shall serve a term of three years or until the person no longer serves in the position or on the board or on the committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the **Select** Board ~~of Selectmen~~ shall appoint a suitable person to serve in their place. Any member of the committee may be removed by the Selectmen, with prior notice to the member and a hearing, for good cause.

Section 17-2. Duties – The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation.

**A. Annually**, the Committee shall consult with existing municipal boards, including the Conservation Commission, the Recreation Commission, the Historical Commission, the Planning Board, ~~the Department of Public Works~~, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings, at its discretion, on the needs, possibilities, and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

**B. Every five years, ending in 2 and 7:**

- (1) The Committee shall conduct a public process to develop a Community Preservation Plan (“CPP”) establishing goals for expenditures in each of the eligible categories. The CPP shall include a Target Allocation Policy (“TAP”) setting forth non-binding guidelines for the next five years for the allocation of CPA funds amongst eligible expenditure categories, expressed as percentages of estimated annual revenues.**
- (2) Following adoption of the CPP under Section B(1), the non-binding TAP contained therein shall be presented to Town Meeting as a proposed amendment to Section 17-4(B) of this bylaw.**

Section 17-3. The Community Preservation Committee shall make recommendations **no less than annually** to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section.

Section 17-4.

- A. Annual Minimum Recommendations. As required by MGL Ch. 44B Sec. 6,** in every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend, or set aside for future spending, the fixed figure of ~~fifty (50%)~~ **ten (10%)** percent of ~~the net CPA estimated~~ annual revenues in the Community Preservation Fund for open space **and recreation** purposes, not less than ten (10%) percent of ~~the net CPA estimated~~ annual revenues for community housing purposes, and not less than ten (10%) percent of ~~the net CPA estimated~~ annual revenues for historic resources purposes. ~~In every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend or set aside for future spending the remaining thirty (30%) percent of the net annual revenues for community housing, recreation and historic resources purposes, but not for open space purposes.~~
- B. For the fiscal years FY24 through FY27, and until otherwise voted by Town Meeting, the non-binding TAP shall be as follows: 30% open space; 30% community housing; 10% recreation; 10% historic preservation, and 20% to be allocated as recommended by the CPC. Actual CPC recommendations may vary from the non-binding percentages set forth in the TAP.**

~~Notwithstanding the foregoing, the net annual revenues paid into the Community Preservation Fund shall be dedicated to open space purposes until such time as prior appropriations made pursuant to the so-called Land Bank Act have been fully expended, even if the aggregate amount of such expenditures exceeds 80% of the annual revenues.~~

~~Section 17-5. Provided that the Community Preservation Act is accepted at the 2005 Annual Town Election, this section shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts and after all the requirements of Mass. Gen. Laws, ch. 40, § 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.~~

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

#### COMMENT

In May of 2005, Brewster voters adopted the Community Preservation Act (CPA). The Act appropriates a 3% surcharge on the Town's real estate tax revenues, which are reserved in a special fund to finance projects and programs for the purposes of preservation of open space,

recreation, community housing, and historic preservation. The state distributes matching funds, which vary from year-to-year. Since 2005, CPA funds have supported about 70 community preservation projects in Brewster. These initiatives have included capital improvements, land acquisitions, assistance programs, as well as various plans and studies.

At the time of adoption, Brewster established a unique allocation formula for these funds, as outlined in Section 17 of the Town bylaw: 50% for open space, 10% for community housing, and 10% for historic preservation. The 30% balance has been available for housing, historic preservation, and/or active or passive recreation projects. The primary reason for this customized approach was that Brewster, like many other Cape towns at the time, was converting funding balances and financial obligations from the Cape Cod Land Bank and wanted to maintain its capacity to finance open space purchases. Unspent funds in each category are rolled over into the next fiscal year.

As required by statute, the Community Preservation Committee (CPC) annually holds a public hearing to identify and discuss upcoming community needs and planned projects. In recent years, it became increasingly apparent that anticipated CPA requests would outpace available funds. In May 2021, Town Meeting approved funding to develop a 5 Year Community Preservation Plan (CPP). Since then, the CPC has worked with a consultant to study existing Town plans, quantify anticipated funding requests, and solicit stakeholder and resident input.

As a result of this analysis, the CPC recommends modification of the Town's bylaw to follow the statutory distribution formula that all but one other municipality currently have in place: 10% for open space and recreation, 10% for community housing, and 10% for historic preservation. The CPC determined that the statutory formula allowed the most flexibility to respond to expected funding requests and any new requests that may emerge from the former Sea Camps properties planning processes in the next few years.

If approved, this change would take effect in July 2023, allowing a full fiscal year to make this transition. At the same time, the CPC has developed and adopted a CPP that establishes a Target Allocation Policy for each of the eligible uses of CPA funds beyond the baseline statutory disbursements that will inform their policy decisions in vetting projects in the next five years. The Target Allocation Policy percentages for FY24–27 are: 30% for Open Space, 30% for Community Housing, 10% for Historic Preservation, 10% for Recreation, with the remaining 15% unreserved and can be used to fund projects in any category, with up to 5% for CPC Administrative costs.

At the end of FY22, carryover reserve balances were as follows: Open Space - \$1,556,879, Community Housing - \$45,369, Historical - \$500,351, and Undesignated Reserve (for Recreation, Historical and Community Housing) - \$757,756.

Town Meeting will continue to have final approval authority over expenditure of all CPA funds.

**Select Board:    Yes 5, No 0, Abs 0**

**Finance Committee:    Yes 7, No 0, Abs 0**

## TOWN BYLAW AMENDMENT: LIMITS OF DEBATE

**ARTICLE NO. 6:** To see if the Town will vote to amend the General Bylaws, Section 48-11B, by striking the word “three” and replacing it with “one and a half”, as shown below, with additions shown in **bold** and deletions shown in ~~striketrough~~:

§ 48-11 Limit of debate.

A. presenter of a motion may speak up to five minutes when presenting the motion except for motions that the Moderator has given specific permission for more time.

B. Following speakers may have up to ~~three~~ **one and a half** minutes to speak on a motion.

C. Speakers to each motion may speak no more than twice, except for the presenter of a motion who may speak to comments or questions made by voters with respect to the motion presented.

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

### COMMENT

During the pandemic, several changes were made to the format of Town Meeting to adapt to the challenges presented by COVID, including shortening the amount of time speakers could comment on each article from three minutes to a minute and a half. This different approach was successfully implemented for four meetings without incident. Following feedback from residents after last May’s Town Meeting, Town officials identified several potential adjustments to Town Meeting procedures that might make for more productive sessions in the future. This bylaw amendment is one such proposed change. Residents would still be permitted to speak twice on each article.

**Select Board: Yes 4, No 0, Abs 0**

**Finance Committee:**

**Yes 0, No 7, Abs 0**

## TOWN BYLAW AMENDMENT: QUORUM REQUIREMENT

**ARTICLE NO. 7:** To see if the Town will vote to amend the General Bylaws, Section 48-5, by inserting the following new sentence to the end of the section: “Once quorum has been attained and Town Meeting has been called to order, minimum quorum requirements no longer apply.” as shown below, with additions shown in **bold**:

§ 48-5 Requirement.

The quorum for Annual Town Meetings and for Special Town Meetings is hereby set at 200 registered voters. **Once quorum has been attained and Town Meeting has been called to order, minimum quorum requirements no longer apply.**

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

### COMMENT

Following feedback from residents after last May's Town Meeting, Town officials identified several potential adjustments to Town Meeting procedures that might make for more productive sessions in the future. This bylaw amendment, which would eliminate the need to maintain quorum once the meeting has been convened, is one such proposed change. Some Towns have adopted a zero quorum for Town Meeting to achieve a similar policy result.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 0, No 7, Abs 0

### NEW TOWN BYLAW/RECONSIDERATION

**ARTICLE NO. 8:** To see if the Town will vote to establish a new General Bylaw, as shown below, with additions shown in **bold**, and further to authorize the Town Clerk to assign the proper chapter and section numbers to said by-law, consistent with the current numbering system:

#### **§XX-XX Motions for Reconsideration**

**A motion to reconsider an article previously voted on by Town Meeting must be made within one (1) hour of the conclusion of the relevant vote and shall require a 2/3 majority vote for approval. If a Town Meeting is continued from one date to another, a motion to reconsider any article must be made on the same day as the original vote.**

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

### COMMENT

Following feedback from residents after last May's Town Meeting, Town officials identified several potential adjustments to Town Meeting procedures that might make for more productive sessions in the future. Brewster's current bylaws do not address reconsideration. Town Meeting Time does not provide clear guidance on limitations to this parliamentary procedure; in fact, it suggests that Towns adopt a bylaw to govern reconsideration. This new bylaw would require that motions to reconsider be made within an hour of the relevant vote and/or on the same date as the original vote. It would also require a 2/3 majority vote to prevail.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 6, No 1, Abs 0

### TOWN BYLAW AMENDMENT: SPECIAL TOWN MEETING WARRANT DEADLINE

**ARTICLE NO. 9:** To see if the Town will vote to amend the General Bylaws, Section 48-3, by inserting the following new sentence to the end of the section to establish a deadline for closing warrants to petitioned articles, as shown below, with additions in **bold**:  
§ 48-3 Closing of warrant.

The warrant for the Annual Town Meeting will be closed **to citizen petitioned articles** 75 days before each Annual Town Meeting and be in the hands of the Finance Committee by 60 days before each Annual Town Meeting, commencing in 1980. **The warrant for any special town meeting will be closed to citizen petitioned articles 45 days before each special town meeting; provided, however, that the Select Board may close the warrant for a special town meeting at any time prior to the 15<sup>th</sup> day before such meeting if it determines that the 45-day deadline is impractical under the circumstances of a particular meeting.**

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

The deadline to submit citizens petitions for inclusion on the Annual Town Meeting warrant is 75 days in advance of the meeting. Town bylaws are currently silent on deadlines for citizens petitions for inclusion on Special Town Meeting warrants, but longstanding past practice has been to close the warrant 45 days in advance of those meetings. However, this deadline requires a vote of the Select Board in each instance and could change year to year. Codifying this deadline will enhance consistency and transparency for residents interested in bringing a petition to Special Town Meeting. These changes would ensure that the Select Board retains their statutory authority to call a Special Town Meeting on less than 45 days' notice.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 7, No 0, Abs 0**

**LOCAL COMPREHENSIVE PLAN**

**ARTICLE NO. 10:** To see if the Town will vote to adopt an updated Master Plan for Brewster which has been developed by the Vision Planning Committee, a copy of which plan is on file at the Town Clerk's office and posted on the Town's website, and which plan if adopted by the Town Meeting would constitute Brewster's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989).

Or take any other action relative thereto.

(Select Board & Planning Board)

(Majority Vote Required)

COMMENT

After more than two years of public meetings and input from residents and Town staff, the Vision Planning Committee (VPC) completed and released the final draft Local Comprehensive Plan (LCP) in September 2022. Upon the recommendation of the VPC, it was approved by the Select Board and Planning Board following a public hearing on October 12, 2022, and has been placed on the Fall 2022 Town Meeting Warrant to consider its adoption.

Brewster's LCP is intended to help guide land use decisions and policies in the Town for the next 10+ years. It describes how Brewster looks today and where it wants to go in the future. The Plan addresses many important issues like providing housing opportunities for our aging citizens and young families, protecting our drinking water supply, preserving our historic and small-town character, improving water quality in our ponds, and supporting our local small businesses.

The 2018 Brewster Vision Plan serves as a foundation for this LCP. Similar to the Vision Plan's structure, the LCP includes a Vision Statement and is organized by "Building Blocks": Community Character; Water Resources; Open Space; Housing; Coastal Management; Local Economy; Governance; Community Infrastructure; Solid Waste Management; and Climate Mitigation and Adaptation. The heart of the LCP is the Action Plan, which includes goals, purposes and an ambitious list of recommended actions associated with each Building Block.

The LCP also includes a summary of conditions for each building block and a Capital Facilities Plan which aligns capital projects recommended in the Action Plan with the Town's ongoing budgeting and planning processes. The LCP will be implemented, and its actions prioritized, primarily through the Select Board's annual strategic planning process. This process will also include monitoring and reporting to the community, which are crucial to the successful implementation of the LCP. Resident feedback on specific recommended projects and initiatives will be critical as the Town considers and works through implementation details.

The LCP has been developed with general guidance from Cape Cod Commission (CCC) staff according to its regulations, adapted to Brewster's specific needs and circumstances. After its local adoption, the Town may elect to forward the LCP to the CCC for review to certify its consistency with the Cape Cod Regional Policy Plan. CCC certification entails some continuing obligations but also affords the Town certain planning and regulatory benefits.

The Town has developed an LCP project page on our website, which includes more information.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 1**

#### **TEMPORARY EASEMENTS: MILLSTONE ROAD IMPROVEMENT PROJECT**

**ARTICLE NO. 11:** To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, permanent and/or temporary right of way, utility, drainage, access, construction and other easements in, on, under, and across the parcels of land at or near Millstone Road for the purpose of improving Millstone Road and for any and all purposes and uses incidental or related thereto, and, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing purposes.

Or to take any other action related thereto.

(Select Board)

(Majority Vote Required)

#### COMMENT

The Town of Brewster is undertaking a road improvement project on Millstone Road that will involve the installation of sidewalks and the creation of a consistent roadway shoulder. The roadway layout of Millstone Roads consists of a variable 40- to 50-foot-wide Town owned right-of-way. While project design is not yet fully finalized, the Town has adjusted the scope of work to ensure that permanent easements related to sidewalk construction and drainage improvements will not be required on any residential property on Millstone Road. However, based on the current proposed design, it is expected that there will be temporary impacts on residential properties while construction is ongoing.

This article authorizes the Town to enter into temporary easement agreements with residents allowing the contractor necessary access to their property to complete the project. Residents may voluntarily grant the Town a right of access or may seek financial reimbursement for that access. The Town has developed a standard methodology to calculate any such payments, which will be funded through available road project funding. Correspondence explaining the process and options available to residents has been sent to all impacted property owners. Copies of the project plans highlighting impacted properties are also available at Town offices.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee:**

**Yes 7, No 0, Abs 0**

#### **PRIVATE ROAD BETTERMENT: VESPER POND DRIVE**

**ARTICLE NO. 12:** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money pursuant to MGL Ch. 40, Secs. 7 and 8, Chapter 297 of the Acts of 2002, Chapter 373 of the Acts of 2006, and/or any other enabling authority, said sum to be spent by the Town Administrator with the approval of the Select Board, to finance temporary road repairs to the private way known as Vesper Pond Drive, including, without limitation, costs associated with engineering, construction, and reconstruction of said way, and costs incidental or related thereto, which costs shall be assessed by the Select Board as a betterment under MGL Ch. 80 Sec. 1 on each parcel within the area benefiting from the improvement, all in compliance Brewster General Bylaws, Section 157-20.

Or to take any other action relative thereto.

(Select Board)

(Two-Thirds Vote Required)

#### COMMENT

The Town adopted a general bylaw at the 1996 Annual Town Meeting, which allows citizens to petition Town Meeting to obtain financing assistance to undertake repairs to private ways. In June 2022, the Select Board received a petition from residents for proposed road and drainage improvements in the Vesper Pond neighborhood, including: Vesper Pond Drive, Mayflower Circle, Cranberry Lane, Deer Path Circle, Jam Lane, and Bay View Road. The Planning Board approved the proposed plan in August 2022.



If approved, the Town, in coordination with impacted residents, will contract out for the repair work. Once completed, the abutting property owners will then be required to reimburse the Town for the full project costs, plus interest and administrative expenses, by means of betterment assessments over a period of time. There will be no tax impacts to other residents.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 0**

**CREATION OF NEW REVOLVING FUND: BAY PROPERTY POOL**

**ARTICLE NO. 13:** To see if the Town will vote to amend the General Bylaws, Section 21-8, to create a new revolving fund, consistent with MGL Ch. 44 Sec 53E½, for the purposes of managing a recreational pool located at 3057 Main Street, in a manner as follows:

<b>Revolving Fund</b>	<b>Authority to Spend</b>	<b>Use of Fund</b>	<b>Fiscal Year Spending Limit</b>
Bay Property Pool	Department Head - Recreation	Expenses shall be related to salaries and operations of the Bay Property Pool and not for any other purposes	\$200,000

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

**COMMENT**

This article will create a new revolving fund which will separately account for fees collected to support operations of the new pool at the former Sea Camps property at 3057 Main Street. The Town is seeking to open the pool for resident use by Summer 2023 and requires this fund to be established in advance. The Town Accountant has certified that this new revenue source was not used in computing the most recent tax levy so this revolving fund can be implemented this fiscal year.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

**BAY PROPERTY POOL FUNDING**

**ARTICLE NO. 14:** To see what sums the Town will vote to appropriate from available funds for the initial start-up costs for the operation and maintenance of a community pool at the property located at 3057 Main Street, including the purchase of equipment and supplies, and anything incidental or related thereto.

Or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

This article will appropriate \$200,000 from Free Cash to cover initial start-up expenses and Year 1 operational costs for the new pool at the former Sea Camps property on Cape Cod Bay, planned to open to residents in Summer 2023. It is expected that revenues collected from fees will help support future year operating expenses.

**Select Board: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

**RESCIND DEBT AUTHORIZATION**

**ARTICLE NO. 15:** To see if the Town will vote to repeal or rescind unused borrowing authority authorized by previous Town Meetings, as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>ARTICLE / TOWN MEETING</i>	<i>AMOUNT TO BE RESCINDED</i>
DPW	Dump Truck	Article 10 (2A) of the May 2018 Annual Town Meeting	\$33,305
Fire	Fire Station	Article 1 of the November 2015 Special Town Meeting	\$548,503
Debt	North Pond Drive Private Road Betterment	Article 16 of the May 2018 Annual Town Meeting	\$21,276
Debt	WH Besse Cartway Land Acquisition (Robinson Property)	Article 29 of the May 2018 Annual Town Meeting	\$155,100
Debt	Tri-Town Septic Demolition	Article 5 of the December 2018 Special Town Meeting	\$33,131
DPW	Fuel Depot	Article 3 of the May 2019 Special Town Meeting	\$100,000

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

This routine article serves to rescind authorized but unissued debt for certain capital equipment, facilities, and/or projects that have all been fully completed.

**Select Board: Yes 4, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

## **LOCAL ELECTION DEADLINES**

**ARTICLE NO. 16:** To see if the Town will vote, in accordance with MGL Ch. 41 Sec. 110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office.

Or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

### **COMMENT**

Acceptance of this local option statute would allow the Town Clerk's office to adjust voter registration and nomination/petition paper deadlines for local elections to avoid the need to open Town Hall on Saturdays or holidays. If adopted, relevant voter registration deadlines could shift to the business day prior and nomination/petition papers could fall to the next business day.

**Select Board:    Yes 5, No 0, Abs 0**

**Finance Committee:    Yes 6, No 0, Abs 0**

And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the **Town of Brewster** affixed this **17<sup>th</sup> day of October 2022**.

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David C. Whitney, Chair

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Edward B. Chatelain, Vice-Chair

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Kari Sue Hoffmann, Clerk

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Mary W. Chaffee

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Cynthia Ann Bingham

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of November 14, 2022 by posting attested copies thereof, in the following locations in the Town on the 21<sup>st</sup> day of October, 2022.

Brewster Town Offices  
Brewster Ladies Library  
The Brewster General Store

Café Alfresco  
Brewster Pizza House  
Millstone Liquors

U. S. Post Office

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Roland W. Bassett, Jr. Constable

## **MODERATOR'S RULES REGARDING TOWN MEETING**

Priority shall be given to registered voters of the Town for admission to all Town Meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission, persons desiring admission shall check in with the Registrars of Voters, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the non-voter section. Voters take priority seating.
3. Non-voters will not address the Town Meeting without the unanimous consent of all voters present and will not participate in voting. Non-Resident Town staff will be permitted to address Town Meeting as appropriate and consistent with past precedent.

## **TOWN MEETING PROCEDURE**

**THE MODERATOR** has absolute control of the town meeting.

**GENERAL LAWS CHAPTER 39 SECTION 15:** The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

**WHEN A VOTER WISHES TO SPEAK,** the voter may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as the voter speaks directly to the question under discussion.

**THERE WILL BE NO SMOKING OR STANDING** in the meeting location.

**ANYTIME THE MOTION TO BE VOTED ON IS UNCLEAR,** ask the Moderator before voting.

**VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG** in their right hand, so that the tellers when counting hand votes will count them.

**NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES.** Let us maintain decorum and reason together.

## **MOTIONS**

**MAIN MOTIONS** are always on articles in the Town warrant. They are made, seconded, and then opened for consideration.

**SECONDARY MOTIONS** are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

**AMENDMENTS** may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

### **POSTPONE**

**TO REFER TO COMMITTEE "COMMIT"** if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.

**POSTPONE TO A DEFINITE TIME:** defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

**"LAY ON TABLE"** intends to temporarily lay aside an article. Not debatable; two-thirds vote carries. An article not taken from table before the meeting adjourns is not actionable. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

**"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY"** are debatable motions and require majority vote. The intent is to defeat the motion.

### **LIMIT CONSIDERATION**

**LIMIT DEBATE.** This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

**"MOVE THE PREVIOUS QUESTION"** demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

### **POINT OF ORDER**

**IF A VOTER QUESTIONS THE LEGALITY** or propriety of the proceedings, the voter may rise, interrupt the speaker and say, "I rise to a point of order" or "question of privilege."

### **VOTES ON MAIN MOTIONS**

Usually carries (passes) with the majority of those attending. Quantum of vote for each article is noted in the warrant book.

### **EXCEPTIONS**

**2/3 MAJORITY VOTE REQUIRED** for borrowing of money appropriations for land purchases; land purchase for public domain; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

**4/5 USUALLY REQUIRED** payment of a bill for which insufficient appropriations made in a previous year, at the Annual Town Meeting. A 9/10 vote is required at a Special Town Meeting.

**POSTPONE INDEFINITELY** requires a majority vote, may be debated, and may not interrupt the speaker.

## **GLOSSARY OF FINANCIAL TERMS**

<b>Appropriation</b>	An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 ss. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid or it is decided not to spend the funds. If these encumbrances are not acted on within ninety days, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.
<b>Audit</b>	An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community.
<b>Available Funds</b>	Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, or large non-recurring or capital expenditures. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings.
<b>Betterments (Special Assessments)</b>	Whenever a limited area of a community receives benefit from a public improvement (e.g., water, road, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for a proportionate share of the cost of such improvements. The proportionate share may be paid in full, or the property owner may request the assessors to apportion the betterment over a period of up to 20 years. Over the lifetime of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.
<b>Bond</b>	A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time.
<b>Bond Anticipation Note (BAN)</b>	A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations.
<b>Bond Authorized And Unissued</b>	Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen.
<b>Bond Counsel</b>	An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.
<b>Bond Issue</b>	Generally, represents the sale of a certain number of bonds at one time by a governmental unit.
<b>Bond Rating (Municipal)</b>	A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments.
<b>Budget</b>	A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be "preliminary" (the



	financial plan presented to the town meeting), or “final” (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year.
<b>Capital Improvements Program</b>	A comprehensive plan for planning a community’s capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community’s needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget.
<b>Capital Outlay Expenditure Exclusion</b>	A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion may temporarily increase the levy above the levy ceiling.
<b>Cash</b>	Currency, coin, checks and bankers’ drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits.
<b>Cash Management</b>	The process of managing a local government’s money in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash.
<b>Cemetery Perpetual Care</b>	Funds donated by individuals for the care of gravesites. According to MGL, funds from this account must be invested and spent as directed by perpetual care agreements. If no agreements exist, the interest (but not principal) may be used as directed by the Cemetery Commissioners for the purpose of maintaining cemeteries.
<b>Chapter 90 Highway Funds</b>	The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 ss. 34, hence the terms Chapter 90 funds. The Chapter 90 highway formula is comprised of three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U. S. Census Bureau. Under this formula, those communities with a larger number of road miles receive proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.
<b>Cherry Sheets</b>	Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year’s state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consist of two major types – distributions and reimbursement. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a period for certain programs or services. In addition, communities may receive “offset items” that must be spent on specific programs. Cherry Sheet assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based upon filing requirements and/or actual information, the final aid or assessment may differ.
<b>Cherry Sheet Offset Items</b>	Local aid accounts that may be spent without appropriation in the budget, but which must be spent for specific municipal and regional school district programs. Current offset items include racial equality grants, school lunch grants, and public libraries grants.
<b>Collective Bargaining</b>	The negotiations between an employer and union representative regarding wages, hours, and working conditions.
<b>Conservation Fund</b>	This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 ss. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting.
<b>Contingent Appropriation</b>	An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 ss. 21C(m), however, towns may make appropriations from the tax levy, available funds or

	borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose.
<b>Debt Authorization</b>	Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44.
<b>Debt Exclusion</b>	A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.
<b>Debt Limit</b>	The maximum amount of debt that a municipality may have authorized for qualified purposes under state law.
<b>Debt Service</b>	The cost usually stated in annual terms, of the principal repayment and interest of any particular issue.
<b>Deficit</b>	The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets.
<b>Education Reform Act Of 1993</b>	An act that seeks to remedy educational funding inequities between local communities by providing adequate state funding over a seven year period for all local and regional school districts and by mandating equity based upon a particular community's ability to pay. One of the Act's major goals is to improve student achievement.
<b>Eminent Domain</b>	The power of a government to take property for public purposes by condemnation provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction.
<b>Encumbrance</b>	Obligations in the form of purchase orders, contracts, or salary commitments that are chargeable to an appropriation and for which a part of the appropriations is reserved.
<b>Enterprise Fund</b>	Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. The Brewster Water Department). Enterprise fund revenue streams are segregated from the general fund into a separate fund and available as a separate financing source for services that generate, or for purposes supported by, those revenues. These include the revenues of enterprise funds established for services typically financed and delivered in a manner similar to private enterprises for the purpose of accounting for all costs, direct or indirect, of providing the services.
<b>Estimated Receipts</b>	An estimate of state and local miscellaneous receipts based upon the previous year's receipts that assessors deduct from the gross amount to be raised in order to arrive at the tax levy.
<b>Excess And Deficiency</b>	Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is made based upon the balance sheet that is submitted by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.
<b>Excess Levy Capacity</b>	The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate.
<b>Fiscal Year</b>	Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2020 fiscal year is July 1, 2019 to June 30, 2020 and is usually written as FY2020. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30.
<b>Fixed Costs</b>	Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service or interest costs.
<b>Foundation Budget</b>	The target imposed by the Education Reform Act of 1993 for each school district, defining the spending level necessary to provide an adequate education for all students.

<b>Free Cash</b>	Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash.
<b>Fund</b>	An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.
<b>Fund Accounting</b>	Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds.
<b>General Fund</b>	The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.
<b>General Obligation (GO) Bonds</b>	Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority.
<b>Hotel/Motel Excise</b>	A local option that allows a community to assess a tax on room occupancy. The community may levy up to 6% of the taxable rents of hotels, motels and lodging houses in that community.
<b>Indirect Cost</b>	Costs of a service not reflected in the service's operating budget. An example of an indirect cost of providing water service would be health insurance costs for water department employees. A determination of these costs is necessary to analyze the total cost of service delivery and a Mutual Agreement for reporting and paying indirect costs is required between the Select Board and respective Department / Committee.
<b>Interest</b>	Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made.
<b>Interest Rate</b>	The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms.
<b>Law Enforcement Trust Fund</b>	A revolving fund established to account for a portion of the proceeds from the sale of property seized from illegal drug-related activities. Funds may be expended to defray certain qualified law enforcement costs as outlined in MGL Ch. 94C ss. 47. Funds from this account may be expended by the Police Chief without further appropriation.
<b>Levy</b>	The amount a community raises through the property tax. The levy can be any amount up to the levy limit.
<b>Levy Ceiling</b>	The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 ss. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.
<b>Levy Limit</b>	The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion.
<b>Line-Item Budget</b>	A budget that focuses on inputs of categories of spending, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.

<b>Local Aid</b>	Revenue allocated by the commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered revenues of the municipality’s or regional school districts’ general fund and may be spent for any purpose, subject to appropriation.
<b>Local Receipts</b>	Locally generated revenues, other than real and personal property taxes and enterprise fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.
<b>Motor Vehicle Excise (MVE)</b>	Every motor vehicle and trailer registered in the Commonwealth is subject to the MVE unless expressly exempted. MVE is imposed for the privilege of registering a motor vehicle. Registering a motor vehicle automatically triggers the assessment of the excise.
<b>Municipal(s)</b>	Municipal refers to any state or subordinate governmental unit. “Municipals” (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state.
<b>Municipal Revenue Growth Factor (MRGF)</b>	An estimate of the percentage change in a municipality’s revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993).
<b>Net School Spending (NSS)</b>	School budget and municipal budget amounts attributable to education, excluding long-term debt service, student transportation, school lunches and certain other specified school expenditures. A community’s NSS funding must equal or exceed the NSS Requirement established annually by the Department of Education (DOE) (Education Reform Act of 1993).
<b>New Growth</b>	The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2000 new growth is determined by multiplying the value on January 1, 1999 by the FY1999 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit.
<b>Operating Budget</b>	A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.
<b>Overlay (Overlay Reserve or Allowance for Abatements and Exemptions)</b>	An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.
<b>Overlay Surplus</b>	Any balance in the overlay account in excess of the amount remaining to be collected or abated can be transferred into this account. Within ten days of a written request by the chief executive officer of a city or town, the Board of Assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is “closed” to surplus revenue.
<b>Override</b>	A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount).
<b>Override Capacity</b>	The difference between a community’s levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.
<b>Payments In Lieu Of Taxes (PILOT)</b>	An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such payment to any other community in which it owns land used for public purposes.
<b>Proposition 2 ½ (Prop 2 ½)</b>	M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community’s annual levy limit. The law

	allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2 ½ also established two types of voter approved increases in local taxing authority – overrides and exclusions.
<b>Receipts Reserved</b>	Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities.
<b>Reserve Fund</b>	An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for “extraordinary or unforeseen” expenditures. Other uses of the fund require budgetary transfers by town meeting.
<b>Revenue Anticipation Borrowing</b>	Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN's) or other revenue (RAN's). The amount of this type of borrowing is limited to the total of the prior year's tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 ss. 4, cities, towns and districts may borrow for up to one year in anticipation of such revenue.
<b>Revenue Anticipation Note (RAN)</b>	A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.
<b>Revenue Bond</b>	A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.
<b>Revolving Fund</b>	Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch 44 ss. 52E ½ requires each revolving fund must be established by ordinance or charter and stipulates that each fund must be re-authorized each year at annual town meeting action, and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and not more than one percent of the amount raised by taxation may be administered by a single fund. Wages and salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. Revolving funds for other programs as provided by statute are still allowed, and a departmental revolving fund may be implemented in addition to or in conjunction with other existing statutory revolving funds, provided that the departmental revolving fund does not conflict with provisions of other revolving funds.
<b>Sale Of Cemetery Lots Fund</b>	A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 144 ss. 15.
<b>Stabilization Fund</b>	A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.
<b>State Aid Anticipation Note (SAAN)</b>	A short-term loan issued in anticipation of a state grant or aid (MGL Ch. 44 ss. 6A).
<b>State House Notes</b>	Debt instruments for cities, towns, counties and districts certified by the Director of Accounts. State House Notes, payable annually, are usually limited to maturities of five years. The notes are generally less costly and easier to issue than conventional issues for borrowing. They are commonly used for temporary loans and smaller long-term issues.
<b>Tax Rate</b>	The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.
<b>Tax Rate Recapitulation</b>	A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the

<b>Sheet (Recap Sheet)</b>	property tax rate. The recap sheet should be submitted to the Department of Revenue by September 1 (in order to issue the first-half semiannual property tax bills before October) or by December 1 (in order to issue the third quarterly property tax bills before January 1).
<b>Five Year Valuation Certification</b>	The Commissioner of Revenue is required to review local assessments every five years and to certify that they represent FFCV. The Bureau of Local Assessments is responsible for this process.
<b>Trust Fund</b>	In general, a fund held for the specific purpose stipulated by a trust agreement. The Town Treasurer acts as a custodian of trust funds and invests and expends such funds as stipulated by trust agreements or as directed by the Commissioners of Trust Funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For non-expendable trust funds, interest but not principal may be expended as directed.
<b>Underride</b>	A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override.
<b>Unfunded Pension Liability</b>	Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.
<b>Uniform Municipal Accounting System (UMAS)</b>	The Department of Revenue regards UMAS as the professional standard for municipal account system that conforms to Generally Accepted Accounting Principles modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS is increased consistency in reporting and record keeping and enhanced comparability of data among cities and towns.
<b>Unreserved Fund Balance (Surplus Revenue Account)</b>	The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders' equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected.
<b>Warrant</b>	An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.
<b>Water Surplus</b>	For water departments operating under MGL Ch. 41 ss. 69B, any revenues in excess of estimated water receipts or unspent water appropriations closeout to a water surplus account. Water surplus may be appropriated to fund water-related general and capital expenses or to reduce water rates.
<b>Waterways Improvement Fund</b>	An account into which fifty percent of the proceeds of the boat excise is deposited. Use of these proceeds is limited to certain waterway expenses as outlined in MGL Ch. 40 ss. 5G.



